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6 Attorneys for Defendants
SMITHKLINE BEECHAM CORPORATION dba
7 GLAXOSMITHKLINE and MCKESSON
CORPORATION
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
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13 JANICE ROSALES, as surviving statutory
beneficiary for the wrongful death of
14 Armando Rosales, Jr., deceased,
individually and on behalf of all other heirs
15 of decedent,

16 Plaintiff,

17 v.

18 SMITHKLINE BEECHAM
CORPORATION, a Pennsylvania
19 corporation, d/b/a GLAXOSMITHKLINE;
MCKESSON CORPORATION, a
20 Delaware corporation; DOES ONE through
FIFTEEN, inclusive,
21

22 Defendants.
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Case No. CV-08-5658 EMC

**STIPULATION AND ~~[PROPOSED]~~
ORDER EXTENDING DEFENDANTS'
TIME IN WHICH TO RESPOND TO
COMPLAINT**

24 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that the
25 time within which defendants SMITHKLINE BEECHAM CORPORATION d/b/a
26 GLAXOSMITHKLINE ("GSK") and MCKESSON CORPORATION ("McKesson") (collectively
27 "Defendants") may move, answer, or otherwise respond to Plaintiff's Complaint is extended
28 pending the determination of certain jurisdictional issues. It is agreed that should this matter

1 remain in this Court, and neither be transferred to the MDL nor remanded, Defendants shall
 2 answer or otherwise respond to Plaintiff's Complaint within thirty (30) days from the date the
 3 JPML rules upon Plaintiff's opposition to transfer to the MDL, but if the matter is transferred to
 4 the MDL, the time for responding shall be governed by the Pretrial Orders entered in the multi-
 5 district litigation, *In re Avandia Marketing, Sales Practices and Products Liability Litigation*,
 6 MDL 1871 (E.D. Pa.) before the Honorable Cynthia M. Rufe, of the United States District Court
 7 for the Eastern District of Pennsylvania.¹

8 It is further agreed, that should this matter be remanded to state court, Defendants shall
 9 respond within thirty (30) days of entry of the remand order.

10 Pursuant to Local Rule 6-1, stipulations which alter the date of any event or any deadline
 11 already fixed by the Court require court approval. Although the parties believe this stipulation
 12 will have no such effect, to the extent that it does, the parties request that this Court approve the
 13 proposed order below, consistent with the stipulation above.

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26 ¹ The above-entitled action was tagged for transfer to MDL 1871 and awaits a ruling upon Plaintiff's
 27 opposition to transfer to the MDL now pending before the Judicial Panel on Multidistrict Litigation.

1 IT IS SO STIPULATED:

2 Dated: January 7, 2009

DRINKER BIDDLE & REATH LLP

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4 By: /s/ Krista L. Cosner

5 Krista L. Cosner

6 Attorneys for Defendants
7 SMITHKLINE BEECHAM CORPORATION
8 dba GLAXOSMITHKLINE and MCKESSON
9 CORPORATION

10 Dated: January 7, 2009

PHILLIPS & ASSOCIATES

11 By: /s/ Lowell Finson

12 Lowell Finson

13 Robert F. Clarke

14 Attorneys for Plaintiff
15 JANICE ROSALES

16 Pursuant to stipulation, IT IS SO ORDERED:

17 Dated: 1/9/2009

